

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISIONBed Bath & Beyond Inc. *et al.*,

Plaintiffs,

vs.

Anthem, Inc. *et al.*,

Defendants.

**STIPULATION OF  
VOLUNTARY  
DISMISSAL OF LIVE  
NATION  
ENTERTAINMENT, INC.  
CLAIMS PURSUANT TO  
FEDERAL RULE OF  
CIVIL PROCEDURE  
41(a)****Case No. 2:22-cv-01256-RDP**

Pursuant to **Federal Rule of Civil Procedure 41(a)**, Live Nation Entertainment, Inc. (“Live Nation”), the other Plaintiffs that have appeared in the above-captioned action, and the Defendants that have appeared in the above-captioned action (collectively, the “Parties”), by and through their undersigned counsel stipulate that Live Nation’s claims against all Defendants are dismissed from the action without prejudice.

The Parties acknowledge that (a) Live Nation may seek to rejoin the Subscriber Damages Class in the BCBS multi-district litigation (the “MDL”) and may make a claim as to the MDL Subscriber Damages Class settlement approved by this Court (MDL **Dkt. 2931**); and (b) all parties shall bear their own fees and costs as related to Live Nation’s claims.

SO STIPULATED:

Dated: May 8, 2024

/s/ Jon Corey

Jon Corey  
MCKOOL SMITH, PC  
1999 K Street NW, Suite 600  
Washington, D.C. 20006  
(202) 370-8300  
jcorey@mckoolsmith.com

MCKOOL SMITH, PC  
1301 Avenue of the Americas, 32nd Floor  
New York, New York 10019  
(212) 402-9400  
jbriody@mckoolsmith.com  
jsmith@mckoolsmith.com  
dschiefelbein@mckoolsmith.com  
dhandler@mckoolsmith.com

Lew LeClair  
Gary Cruciani  
MCKOOL SMITH, PC  
300 Crescent Court, Suite 1500  
Dallas, Texas 75201  
(214) 978-4000  
lleclair@mckoolsmith.com  
gcruciani@mckoolsmith.com

Brenton K. Morris  
BENTON, CENTENO & MORRIS, LLP  
2019 Third Avenue North  
Birmingham, Alabama 35203  
(205)-278-8000  
bmorris@bcattys.com

*Counsel for Plaintiffs*

/s/ David H. Korn

Karin A. DeMasi  
Lauren R. Kennedy  
David H. Korn  
Lillian S. Grossbard  
CRAVATH, SWAINE & MOORE LLP  
Two Manhattan West  
275 Ninth Avenue  
New York, NY 10001  
Tel: (212) 474-1000  
Fax: (212) 474-3700  
kdemasi@cravath.com  
lkennedy@cravath.com  
dkorn@cravath.com  
lgrossbard@cravath.com

*Lead Counsel for the Blue Cross Blue Shield System; Counsel for Defendants Blue Cross Blue Shield Association; Blue Cross and Blue Shield of Alabama; Blue Cross and Blue Shield of Arizona, Inc.; GuideWell Mutual Holding Corporation; Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Kansas City; Blue Cross and Blue Shield of Massachusetts, Inc.; Blue Cross and Blue Shield of North Carolina; BlueCross BlueShield of South Carolina; BlueCross BlueShield of Tennessee, Inc.; Blue Cross Blue Shield of Wyoming; California Physicians' Service d/b/a Blue Shield of California; Capital Blue Cross; CareFirst, Inc.; CareFirst of Maryland, Inc.; Group Hospitalization and Medical Services, Inc.; CareFirst BlueChoice, Inc.; Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii); Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico, Blue Cross and Blue Shield of Oklahoma, and Blue Cross*

*and Blue Shield of Montana; Caring for Montanans, Inc., f/k/a Blue Cross and Blue Shield of Montana, Inc.; Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota); Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of Iowa); Triple-S Management Corporation; Triple-S Salud, Inc.*

Craig A. Hoover  
E. Desmond Hogan  
Justin Bernick  
Elizabeth Jose  
W. David Maxwell  
HOGAN LOVELLS US LLP  
Columbia Square  
555 13th Street, N.W.  
Washington, DC 20004  
Tel: (202) 637-5600  
Fax: (202) 637-5910  
craig.hoover@hoganlovells.com  
desmond.hogan@hoganlovells.com  
justin.bernick@hoganlovells.com  
elizabeth.jose@hoganlovells.com  
david.maxwell@hoganlovells.com

*Counsel for Elevance Health f/k/a Anthem, Inc., and all of its named subsidiaries in this action; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New Jersey); Blue Cross & Blue Shield of Rhode Island; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Utah; Regence Blue Shield (of Washington); Regence Blue Cross Blue Shield of Oregon*

John D. Martin  
Lucile H. Cohen  
Travis A. Bustamante  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
1320 Main Street, 17th Floor

Kimberly R. West (Liaison Counsel)  
Mark M. Hogewood  
WALLACE, JORDAN, RATLIFF &  
BRANDT, LLC  
First Commercial Bank Building  
800 Shades Creek Parkway, Suite 400  
Birmingham, AL 35209  
Tel: (205) 870-0555  
Fax: (205) 871-7534  
kwest@wallacejordan.com  
mhogewood@wallacejordan.com

*Counsel for Defendants Blue Cross Blue Shield Association; Blue Cross and Blue Shield of Arizona, Inc.; Blue Cross and Blue Shield of Kansas City; BlueCross BlueShield of South Carolina; Blue Cross and Blue Shield of Wyoming; Capital Blue Cross; CareFirst, Inc.; CareFirst of Maryland, Inc.; Group Hospitalization and Medical Services, Inc.; Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico, Blue Cross and Blue Shield of Oklahoma, and Blue Cross and Blue Shield of Montana; Caring for Montanans, Inc., f/k/a Blue Cross and Blue Shield of Montana, Inc.; Highmark Health; Highmark Inc., f/k/a Highmark Health Services; Highmark West Virginia Inc.; Highmark BCBSD Inc.; California Physicians' Service d/b/a Blue Shield of California; Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota); Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of*

Columbia, SC 29201  
Tel: (803) 255-9421  
Fax: (803) 256-7500  
john.martin@nelsonmullins.com  
lucie.cohen@nelsonmullins.com  
travis.bustamante@nelsonmullins.com

*Counsel for Elevance Health f/k/a Anthem, Inc., and all of its named subsidiaries in this action; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Blue Cross and Blue Shield of South Carolina; Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New Jersey); Blue Cross & Blue Shield of Rhode Island; Blue Cross and Blue Shield of Vermont; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Utah; Regence Blue Shield (of Washington); Regence Blue Cross Blue Shield of Oregon; Blue Cross & Blue Shield of Mississippi, a Mutual Insurance Company; Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota); Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of Iowa); Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii); Triple-S Salud, Inc; Defendants Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.; BlueCross BlueShield of Tennessee, Inc.*

Cavender C. Kimble  
BALCH & BINGHAM LLP  
1901 6th Avenue North, Suite 1500  
Birmingham, AL 35203-4642  
Tel: (205) 226-3437  
Fax: (205) 488-5860  
ckimble@balch.com

*Counsel for Elevance Health f/k/a Anthem, Inc., and all of its named subsidiaries in this action; Blue Cross and Blue Shield of North*

*Iowa); Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii)*

Carl S. Burkhalter  
MAYNARD NEXSEN PC  
1901 6th Avenue North, Suite 2400  
Regions Harbert Plaza  
Birmingham, AL 35203  
Tel: (205) 254-1000  
Fax: (205) 254-1999  
cburkhalter@maynardnexsen.com

Pamela B. Slate  
HILL CARTER FRANCO COLE & BLACK, P.C.  
425 South Perry Street  
Montgomery, AL 36104  
Tel: (334) 834-7600  
Fax: (334) 386-4381  
pslate@hillhillcarter.com

*With Cravath, Swaine & Moore LLP, counsel for Defendant Blue Cross Blue Shield of Alabama*

Jeffrey J. Zeiger, P.C.  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Tel: (312) 862-2000  
Fax: (312) 862-2200  
jzeiger@kirkland.com

*Counsel for Defendants Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico, Blue Cross and Blue Shield of Oklahoma, and Blue Cross and Blue Shield of Montana; Caring for Montanans, Inc., f/k/a Blue Cross and Blue Shield of Montana, Inc.; Highmark Health;*

*Carolina; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New Jersey); Blue Cross & Blue Shield of Rhode Island; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Utah; Regence Blue Shield (of Washington); Regence Blue Cross Blue Shield of Oregon*

Gwendolyn Payton  
KILPATRICK TOWNSEND & STOCKTON LLP  
1420 Fifth Avenue, Suite 3700  
Seattle, WA 98101  
Tel: (206) 626-7714  
Fax: (206) 299-0414  
gpayton@kilpatricktownsend.com

*Counsel for Defendants Premera Blue Cross, d/b/a Premera Blue Cross Blue Shield of Alaska*

Brian K. Norman  
SHAMOUN & NORMAN, LLP  
1800 Valley View Lane, Suite 200  
Farmers Branch, TX 75234  
Tel: (214) 987-1745  
Fax: (214) 521-9033  
bkn@snlegal.com

H. James Koch  
ARMBRECHT JACKSON LLP  
RSA Tower, 27th Floor  
11 North Water Street  
Mobile, AL 36602  
Tel: (251) 405-1300  
Fax: (251) 432-6843  
hjk@ajlaw.com

*Counsel for Defendants CareFirst, Inc.; CareFirst of Maryland, Inc.; Group*

*Highmark Inc., f/k/a Highmark Health Services; Highmark West Virginia Inc.; Highmark BCBSD Inc.; Highmark Western and Northeastern New York Inc. (except with respect to claims by Rite Aid Corporation and its affiliates and Bed, Bath & Beyond Inc. now known as 20230930-DK-Butterfly-1, Inc. and its affiliates, and discovery to RTX Corporation and its affiliates and General Motors Company and its affiliates)*

Jonathan M. Redgrave  
REDGRAVE, LLP  
4800 Westfields Blvd, Suite 250  
Chantilly, VA 20151  
Tel: (703) 592-1155  
Fax: (612) 332-8915  
jredgrave@redgravellp.com

*Additional Counsel for HCSC and Highmark Defendants and California Physicians' Service d/b/a Blue Shield of California*

Todd M. Stenerson  
Brian C. Hauser  
SHEARMAN & STERLING LLP  
401 9th Street, N.W., Suite 800  
Washington, DC 20004  
Tel: (202) 508-8000  
Fax: (202) 508-8100  
todd.stenerson@shearman.com  
brian.hauser@shearman.com

Rachel Mossman Zieminski  
SHEARMAN & STERLING LLP  
2601 Olive Street, Suite 1700  
Dallas, TX 75201  
Tel: (214) 271-5777  
Fax: (214) 271-5778  
rachel.zieminski@shearman.com

Sarah L. Cylkowski  
Thomas J. Rheaume, Jr.

*Hospitalization and Medical Services, Inc.;  
CareFirst BlueChoice, Inc.*

M. Patrick McDowell  
Norman E. "Benje" Bailey, Jr.  
BRUNINI, GRANTHAM, GROWER  
& HEWES, PLLC  
190 East Capitol Street  
The Pinnacle Building, Suite 100  
Jackson, MS 39201  
Tel: (601) 948-3101  
Fax: (601) 960-6902  
pmcdowell@brunini.com

Cheri D. Green  
BLUE CROSS & BLUE SHIELD OF  
MISSISSIPPI, A MUTUAL INSURANCE  
COMPANY  
P.O. Box 1043  
Jackson, MS 39215  
Tel: (601) 932-3704  
cdgreen@bcbsms.com

*Counsel for Defendant Blue Cross & Blue  
Shield of Mississippi, a Mutual Insurance  
Company*

Ryan M. Hodinka  
BALCH & BINGHAM, LLP  
1901 6th Avenue North, Suite 1500  
Birmingham, AL 35203  
Tel: (205) 226-3464  
Fax: (205) 488-5848  
rhodinka@balch.com

*Counsel for Defendant USable Mutual  
Insurance Company, d/b/a Arkansas Blue  
Cross and Blue Shield and as Blue Advantage  
Administrators of Arkansas*  
Robert K. Spotswood  
Michael T. Sansbury  
Joshua K. Payne  
Jess R. Nix

BODMAN PLC  
1901 Saint Antoine Street  
6th Floor at Ford Field  
Detroit, MI 48226  
Tel: (313) 259-7777  
Fax: (734) 930-2494  
scylkowski@bodmanlaw.com  
trheame@bodmanlaw.com

Andy P. Campbell  
A. Todd Campbell  
Yawanna N. McDonald  
CAMPBELL PARTNERS LLC  
505 North 20th Street, Suite 1600  
Birmingham, AL 35203  
Tel: (205) 224-0750  
Fax: (205) 224-8622  
andy@campbellpartnerslaw.com  
todd@campbellpartnerslaw.com  
yawanna@campbellpartnerslaw.com

*Counsel for Defendant Blue Cross and  
Blue Shield of Michigan; Blue Cross and Blue  
Shield of Vermont*

John DeQ. Briggs  
Jeny M. Maier  
Kenina J. Lee  
AXINN, VELTROP & HARKRIDER, LLP  
1901 L Street, N.W.  
Washington, DC 20036  
Tel: (202) 912-4700  
Fax: (202) 912-4701  
jbriggs@axinn.com  
jmaier@axinn.com  
klee@axinn.com

Kail J. Jethmalani  
Victoria J. Lu  
AXINN, VELTROP & HARKRIDER LLP  
114 W 47th Street  
New York, NY 10036  
Tel: (212) 728-2200

Morgan B. Franz  
SPOTSWOOD SANSOM & SANSBURY  
LLC  
Financial Center  
505 20th Street North, Suite 700  
Birmingham, AL 35203  
Tel: (205) 986-3620  
Fax: (205) 986-3639  
[rks@spotswoodllc.com](mailto:rks@spotswoodllc.com)  
[msansbury@spotswoodllc.com](mailto:msansbury@spotswoodllc.com)  
[jpayne@spotswoodllc.com](mailto:jpayne@spotswoodllc.com)  
[jnix@spotswoodllc.com](mailto:jnix@spotswoodllc.com)  
[mfranz@spotswoodllc.com](mailto:mfranz@spotswoodllc.com)

Fax: (212) 728-2201  
[kjethmalani@axinn.com](mailto:kjethmalani@axinn.com)  
[vlu@axinn.com](mailto:vlu@axinn.com)

Stephen A. Rowe  
Aaron G. McLeod  
ADAMS AND REESE LLP  
1901 6th Avenue North, Suite 3000  
Birmingham, AL 35203  
Tel: (205) 250-5080  
Fax: (205) 250-5034  
[steve.rowe@arlaw.com](mailto:steve.rowe@arlaw.com)  
[aaron.mcleod@arlaw.com](mailto:aaron.mcleod@arlaw.com)

*Counsel for Defendant Capital Blue Cross*

Robert R. Riley, Jr.  
RILEY & JACKSON, P.C.  
3530 Independence Drive  
Birmingham, AL 35209  
Tel: (205) 879-5000  
Fax: (205) 879-5901  
[rob@rileyjacksonlaw.com](mailto:rob@rileyjacksonlaw.com)

*Counsel for Defendants Independence Hospital Indemnity Plan, Inc. f/k/a Independence Blue Cross; Independence Health Group, Inc.*

*Counsel for Defendants Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Massachusetts, Inc.; BlueCross BlueShield of Tennessee, Inc.*

Edward S. Bloomberg  
John G. Schmidt Jr.  
Anna Mercado Clark  
PHILLIPS LYTLE LLP  
One Canalside  
125 Main Street  
Buffalo, NY 14203-2887  
Telephone No. (716) 847-8400  
[ebloomberg@phillipslytle.com](mailto:ebloomberg@phillipslytle.com)  
[jschmidt@phillipslytle.com](mailto:jschmidt@phillipslytle.com)  
[aclark@phillipslytle.com](mailto:aclark@phillipslytle.com)

Morris Wade Richardson  
Charles Todd Grimes  
RICHARDSON CLEMENT PC

Tracy A. Roman  
Jay P. DeSanto  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
Tel: (202) 624-2500  
Fax: (202) 628-5116  
[troman@crowell.com](mailto:troman@crowell.com)  
[jdesanto@crowell.com](mailto:jdesanto@crowell.com)

Sarah Gilbert  
Honor Costello  
CROWELL & MORING LLP  
Two Manhattan West  
375 Ninth Avenue  
New York, NY 10001  
Tel: (212) 223-4000  
Fax: (212) 223-4134  
[sgilbert@crowell.com](mailto:sgilbert@crowell.com)  
[hcostello@crowell.com](mailto:hcostello@crowell.com)

John M. Johnson  
Brian P. Kappel  
LIGHTFOOT FRANKLIN & WHITE LLC  
The Clark Building  
400 20th Street North

22 Inverness Center Parkway, Suite 500  
Birmingham, AL 35242  
(205) 729-7000  
wade@richardson.law  
charley@richardson.law

*Counsel for Defendant Excellus Health Plan, Inc. d/b/a Excellus BlueCross BlueShield and dismissed party Lifetime Healthcare, Inc.*

Birmingham, AL 35203  
Tel: (205) 581-0700  
Fax: (205) 581-0799  
jjohnson@lightfootlaw.com  
bkappel@lightfootlaw.com

*Counsel for Defendants Blue Cross and Blue Shield of Kansas, Inc.; Blue Cross and Blue Shield of Nebraska; GoodLife Partners, Inc.; Blue Cross of Idaho Health Service, Inc.; Blue Cross and Blue Shield of Kansas, Inc.; Blue Cross Blue Shield of North Dakota; and dismissed party Healthy Dakota Mutual Holdings*

Alan D. Rutenberg  
FOLEY & LARDNER LLP  
3000 K Street, N.W., Suite 600  
Washington, DC 20007  
Tel: (202) 672-5491  
arutenberg@foley.com

Diane R. Hazel  
FOLEY & LARDNER LLP  
1400 16th Street, Suite 200  
Denver, CO 80202  
Tel: (720) 437-2034  
dhazel@foley.com

Ryan M. Hodinka  
BALCH & BINGHAM, LLP  
1901 6<sup>th</sup> Avenue North, Suite 1500  
Birmingham, AL 35203-4642  
Tel: (205) 226-3464  
Fax: (205) 488-5848  
rhodinka@balch.com

*Counsel for Defendant USAble Mutual Insurance Company, d/b/a Arkansas Blue Cross and Blue Shield and as Blue Advantage Administrators of Arkansas*